

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

RANIR, LLC,	)	
	)	Civil Action No. 1:09-cv-1056
Plaintiff,	)	
	)	Hon. Robert Holmes Bell
v.	)	
	)	<b><u>Oral Argument Requested</u></b>
DENTEK ORAL CARE, INC.,	)	
	)	
Defendant.	)	

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**DEFENDANT’S MOTION FOR PARTIAL DISMISSAL  
PURSUANT TO FED.R.CIV.P.12(b)(6)**

Defendant hereby moves to dismiss Count One of Plaintiff’s Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) because it fails to state a claim upon which relief may be granted. In support of this Motion, Defendant submits the accompanying memorandum of law and states as follows:

1. Count One of Plaintiff’s Complaint fails to state a claim under Fed. R. Civ. P. 12(b)(6) because the underlying basis for it – that Ranir is in privity with an entity that DenTek previously sued and lost to in another forum – is not established by Ranir’s own allegations in the Complaint. Thus, Count One should be dismissed.

2. In compliance with W.D. Mich. L.R. 7.1(d), counsel on behalf of Defendant conferred with Plaintiff’s counsel on January 13, 2010 to obtain Plaintiff’s consent to the relief sought by this motion – namely, the dismissal of the first claim in the Complaint – and explained the nature of the motion and its legal basis. Plaintiff’s counsel has not consented to the relief requested.

WHEREFORE, for all the reasons set forth in this Motion and the accompanying memorandum of law, Defendant respectfully requests that this Court dismiss Count One of Plaintiff's Complaint with prejudice.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.

By: /s/Richard A. Gaffin

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Dated: January 13, 2010  
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